

(B) the second undesignated paragraph under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(3) NON-FEDERAL SHARE; LIABILITY OF STATE.—As a condition for the Secretary to initiate the conduct of the project, the State shall enter into an agreement with the Secretary under which the State shall agree—

(A) to pay 100 percent of the costs arising from the operation, maintenance, repair, replacement, and rehabilitation of each completed component of the project; and

(B) to hold the United States harmless from any claim or damage that may arise from carrying out the project except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

SA 1840. Mr. REED submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. CHARLESTOWN, RHODE ISLAND.

The Secretary of the Army is directed to use such sums as are necessary from amounts appropriated in this Act or any prior Act for prosecuting projects pursuant to the authority provided by section 107 of the River and Harbor Act of 1960 as amended (33 U.S.C. 577) to initiate and complete construction of a project to remove boulders from the breachway at Charleston Breachway and Inlet, Charlestown, Rhode Island, notwithstanding the cost-benefit ratio of the project.

SA 1841. Mr. VOINOVICH (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3. AUTHORITY OF NUCLEAR REGULATORY COMMISSION.

The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commis-

sion for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading "SALARIES AND EXPENSES" under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCIES" of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Barry Gaffney, a detailee to the Energy and Water Subcommittee, be granted the privilege of the floor during the consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Alec Schierenbeck and Matthew Steffen, of my staff, be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 28, 2009

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o'clock tomorrow morning, Tuesday, July 28; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of Calendar No. 104, H.R. 3183, the Energy and Water Appropriations Act; finally, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Madam President, I am informed that rollcall votes are possible throughout the day tomorrow as we work through any amendments to the Energy and Water appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, July 28, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010, VICE DALLAS TONSAGER.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 27, 2009 withdrawing from further Senate consideration the following nominations:

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE, WHICH WAS SENT TO THE SENATE ON JULY 7, 2009.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 15, 2009.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JULY 16, 2009.